

**CITY COMMISSION AGENDA  
CITY OF WINTER GARDEN  
TANNER HALL  
29 W. Garden Avenue**

**REGULAR MEETING**

**December 28, 2006**

**6:30 P.M.**

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**CALL TO ORDER**

Roll Call and Determination of a Quorum  
Invocation and Pledge of Allegiance

**1. APPROVAL OF MINUTES**

Regular Meeting of December 14, 2006

**2. FIRST READING OF PROPOSES ORDINANCES**

A. **Ordinance 06-49:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY SUBURBAN TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 8.52 ± ACRES OF LAND LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Belle Meade) **with the second reading and public hearing being scheduled for January 25, 2007** - Planning Director Williams

B. **Ordinance 06-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 8.52 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD FROM CITY PUD TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (Belle Meade) **with the second reading and public hearing being scheduled for January 25, 2007** - Planning Director Williams

C. **Ordinance 07-02:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; EMPOWERING THE CITY TO REQUIRE, AS CONDITIONS TO DEVELOPMENT, REDEVELOPMENT, AND SITE PLAN APPROVALS, JOINT USE DRIVEWAYS, CROSS ACCESS CORRIDORS, AND UNIFIED ACCESS AND PARKING SYSTEMS; REQUIRING EASEMENTS, AGREEMENTS, AND STIPULATIONS FOR USE AND MAINTENANCE OF JOINT USE DRIVEWAYS, CROSS ACCESS CORRIDORS, AND UNIFIED ACCESS AND PARKING SYSTEMS; REQUIRING SUCH EASEMENTS TO BE PUBLICLY RECORDED; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for January 25, 2007** - Planning Director Williams

**3. REGULAR BUSINESS**

A. Request by the Church El Llamado De Dios (The Call of God) to conduct a Christian Music Festival at Veterans Memorial Park on January 13, 2007 – Recreation Supervisor Fallon

B. Recommendation to approve Tucker Oaks Final Plat - Planning Director Williams

C. Recommendation to approve Oaks at Brandy Lake Final Plat - Planning Director Williams

D. Recommendation to approve Windermere Corners Site Plan - Planning Director Williams

- E. Recommendation to approve Winter Garden Executive Center Site Plan - Planning Director Williams
- F. Recommendation to approve Apex Commerce Center Phases II & III Site Plan - Planning Director Williams
- G. Recommendation to approve Avamar (AKA Avalon Marsh Retail) Preliminary Plat - Planning Director Williams
- H. Recommendation to approve agreement with Quality Vault for cemetery services – City Manager Bollhoefer
- I. Recommendation to approve Vote Processing Equipment Use Agreement and Summary of Responsibilities with the Orange County Supervisor of Elections office for the 2007 municipal election(s) – City Attorney Ardaman
- J. Discussion and possible action regarding Canvassing Board criteria for absentee and provisional ballots cast in 2007 election(s) – City Clerk Golden
- K. Request for reappointment by Mark Griffith to the General Employees Pension Board for an additional two-year term – City Clerk Golden

**4. MATTERS FROM CITIZENS**

**5. MATTERS FROM CITY ATTORNEY – A. Kurt Ardaman**

**6. MATTERS FROM CITY MANAGER – Michael Bollhoefer**

- A. Financial Statement for November 2006
- B. New logo colors (historic downtown clock tower)
- C. West Orange Chamber of Commerce annual Champions Gala in 2007

**7. MATTERS FROM MAYOR AND COMMISSIONERS**

**8. ADJOURN** to a regular City Commission meeting on January 11, 2007

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 06-49

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM CITY SUBURBAN TO COMMERCIAL FOR PROPERTY GENERALLY DESCRIBED AS 8.52 ± ACRES OF LAND LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately 8.52 ± acres located at THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "SUBURBAN" to "COMMERCIAL", and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with Exhibit "A".

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading and upon the execution of the Developer Agreement between the property owner and the City of Winter Garden concerning the improvement of County Road 545 and the intersection of County Road 545 and Tilden Road.; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,

or

- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or
- (iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

READ FIRST TIME: \_\_\_\_\_, 2006.

READ SECOND TIME: \_\_\_\_\_, 2007.

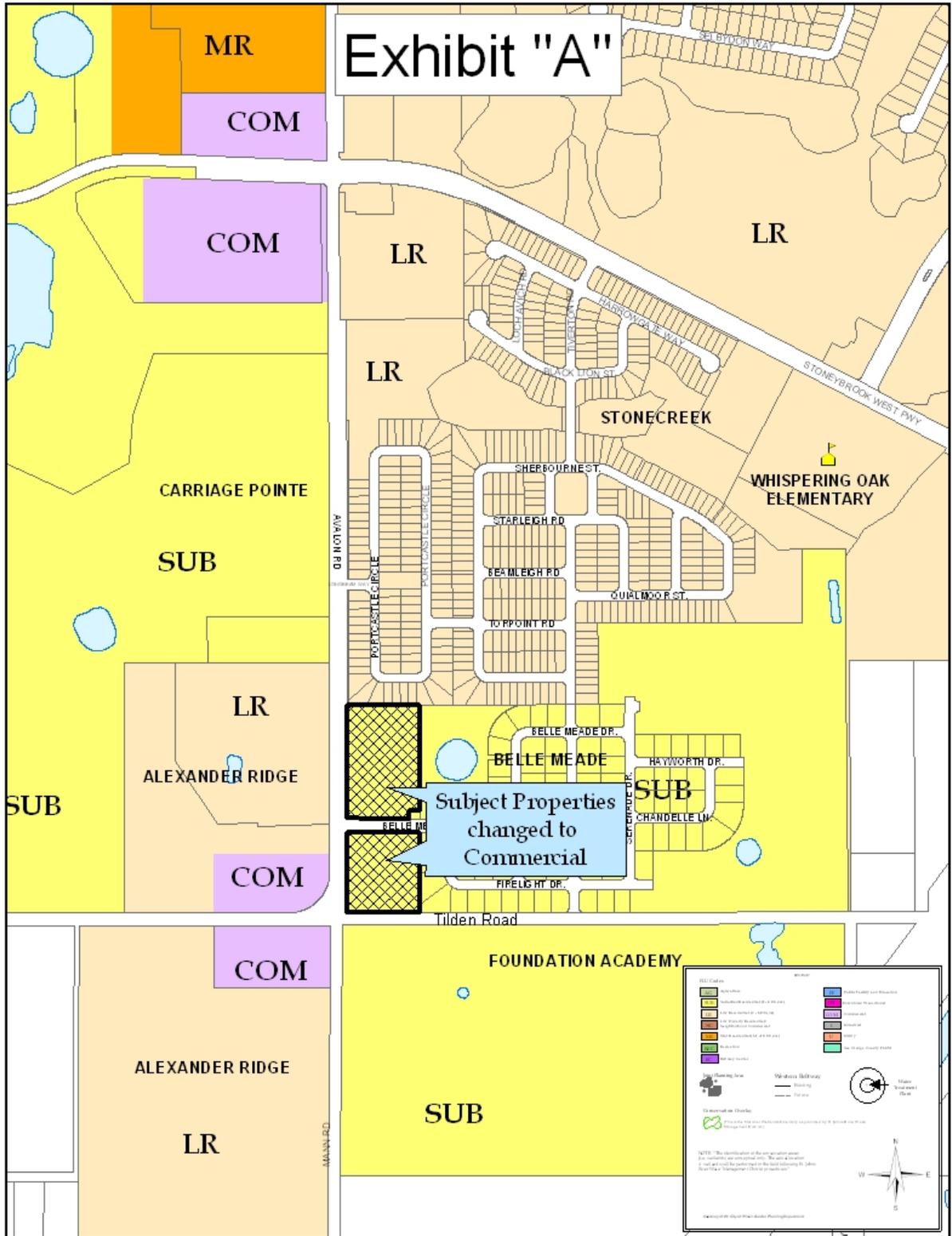
APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor /Commissioner

ATTEST:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk  
(belle meade commercial\_sscpa ord 12/22/2006)

# Exhibit "A"



**Legend**

|  |              |  |                       |
|--|--------------|--|-----------------------|
|  | Green        |  | Water                 |
|  | Yellow       |  | Water Treatment Plant |
|  | Light Orange |  | Water Tower           |
|  | Light Blue   |  | Water Main            |
|  | Dark Orange  |  | Water Main            |
|  | Dark Purple  |  | Water Main            |
|  | Light Purple |  | Water Main            |
|  | Light Orange |  | Water Main            |
|  | Light Orange |  | Water Main            |
|  | Light Orange |  | Water Main            |

**Other Symbols:**

- Existing Area
- Water Utility
- Water Treatment Plant
- Water Tower

**Disclaimer:**

NOTE: The identification of the various zones, streets, and other features on this map is for informational purposes only. The actual zoning and other features may vary from those shown on this map. The user should consult the official zoning map for the most current information.

**Map Scale:** 1 inch = 100 feet

**Map Date:** 10/1/2010

ORDINANCE 06-50

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 8.52 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD FROM CITY PUD TO CITY PCD; PROVIDING FOR CERTAIN PCD REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of real property generally described as APPROXIMATELY 8.52 ± ACRES OF CERTAIN REAL PROPERTY GENERALLY LOCATED ON THE NORTHEAST CORNER OF AVALON ROAD AND TILDEN ROAD, (hereinafter known as the Owners) desire to rezone their property from City PUD to City PCD, and

WHEREAS, said property is identified in the Future Land Use Map of the Comprehensive Plan as Commercial, and

WHEREAS, the City desires to rezone said property to PCD with certain restrictions, then

WHEREAS, the City and the property owner have agreed to the specific PCD requirements identified herein, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

**Section I – PCD Rezoning**

After due notice and public hearing, the zoning classification of real property legally described in Exhibit “A” is hereby rezoned from City PUD to City PCD in the City of Winter Garden, Florida with the following provisions and restrictions:

**Section II – General Requirements**

- (1) **Intensity** – The maximum combined size of all the buildings on site shall not exceed 110,000 square feet.
- (2) **Zoning** – Unless specifically noted otherwise within this ordinance, all development must comply with the general zoning requirements of the C-2 zoning district. These requirements include any approval procedure of the C-2 zoning district.
- (3) **Setbacks & Height Restrictions** - The setbacks for the subject property will be:
  - 40 feet in the front yard;
  - 20 feet on each side yard (40 feet when adjacent to Avalon Road; 50 feet when adjacent to Tilden Road);
  - 20 feet in the rear yard;
  - The maximum height of any building will be 50 feet.

- (4) **Permitted Uses** - The permitted uses allowed on the subject property are those allowed in the C-2 zoning district.
- (5) **Special Exception Uses** - The Special Exception uses allowed on the subject property are those allowed in the C-2 zoning district with a Special Exception Permit.
- (6) **Prohibited Uses** - The prohibited uses on the subject property are those prohibited in the C-2 zoning district.
- (7) **Vehicular Connections** – Principal access to the property will be from Belle Meade Drive, with secondary ingress/egress points on Avalon Road and Tilden Road.
- (8) **Pedestrian Connections** – Bicycle and pedestrian connections must be provided to adjacent properties including vehicular walkways, and pedestrian access and circulations. Trash receptacles, bike racks and benches must be provided. Five foot sidewalks are required to provide internal access from Avalon and Tilden Roads.
- (10) **Utilities and equipment** - All utilities must be underground. All utility equipment (i.e. compactors, dumpsters, transformers, etc.) must be properly screened with walls and/or landscaping or hidden from public view if on top of a roof. All loading docks and loading areas must be screened from public view with appropriate screen walls, which are architecturally integrated with the main structure.
- (11) **Screen Walls** – Minimum 6’ high brick screen walls must be provided between the commercial development and all adjacent residential developments.
- (12) **Retention Ponds** – All retention ponds must comply with the Winter Garden Commercial Corridor Overlay Standards, Ordinance 03-30, City Code Section 118.400.
- (13) **Impervious Surface Ratio**- The maximum impervious surface ratio shall not exceed 80%, or the maximum impervious surface allowance of the St. Johns River Water Management District permit for the master stormwater system, whichever is less.
- (14) **Design Criteria** – **The following design criteria shall be applicable to the entire subject site. Must comply with the Winter Garden Commercial Corridor Overlay Standards; Ordinance 03-30, City Code Section 118.400 which includes lighting, landscaping, buffers, fencing, parking, curbing, dumpsters, and signage.**

Buildings shall be designed to avoid large, uninterrupted facades. Thus, no wall facing a street or connecting walkway shall have a blank, uninterrupted façade that exceeds the following lengths, determined by area of the building footprint:

| Square Footage of Building | Maximum Length of Blank Wall |
|----------------------------|------------------------------|
| 0 – 5,000 sf               | 5 feet                       |
| 5,000 – 10,000 sf          | 10 feet                      |
| 10,000 – 40,000 sf         | 20 feet                      |
| Above 40,000 sf            | 60 feet                      |

Blank walls facing a street or connecting walkway shall not exceed these lengths without at least two of the following:

- Cornices
- Soffit projections
- Pilasters
- Columns
- Canopies/Porticoes
- Arcades
- Colonnades
- Variation in color, texture or material pattern
- Windows or window frames (opaque, translucent, or transparent)
- Wall landscaping (e.g. trellises with vines)
- Planters
- Doors

The architectural treatment of all sides of buildings facing neighboring properties, public roads, pedestrian ways, vehicular drives and parking areas and public spaces, must be compatible with the design theme applied to the main facade of each building.

The Planning and Zoning Board shall approve the specific architectural details at the time the site plan is approved.

- (15) **Outdoor Storage** – Outdoor storage of materials or equipment is a prohibited use.
- (16) **Recording** - The Developer will pay for the recording of this ordinance.
- (17) **Amendments** – Minor amendments to this ordinance may be approved by Resolution of the City Commission. Major amendments will need to be approved by the City Commission by Ordinances.

**Section VI** The City Clerk and the City Manager are hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

**Section VII** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**Section VIII** This Ordinance shall become effective upon:

- 1) approval by the City Commission, and
- 2) upon the execution of the Developer Agreement between the property owner and the City of Winter Garden concerning the improvement of County Road 545 and the intersection of County Road 545 and Tilden Road.

FIRST READING: \_\_\_\_\_ 2006.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_ 2007.

APPROVED:

\_\_\_\_\_  
JACK QUESINBERRY, Mayor/Commissioner

ATTESTED:

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

{ Belle Meade Commercial PCD ord/ 12/22/2006 }

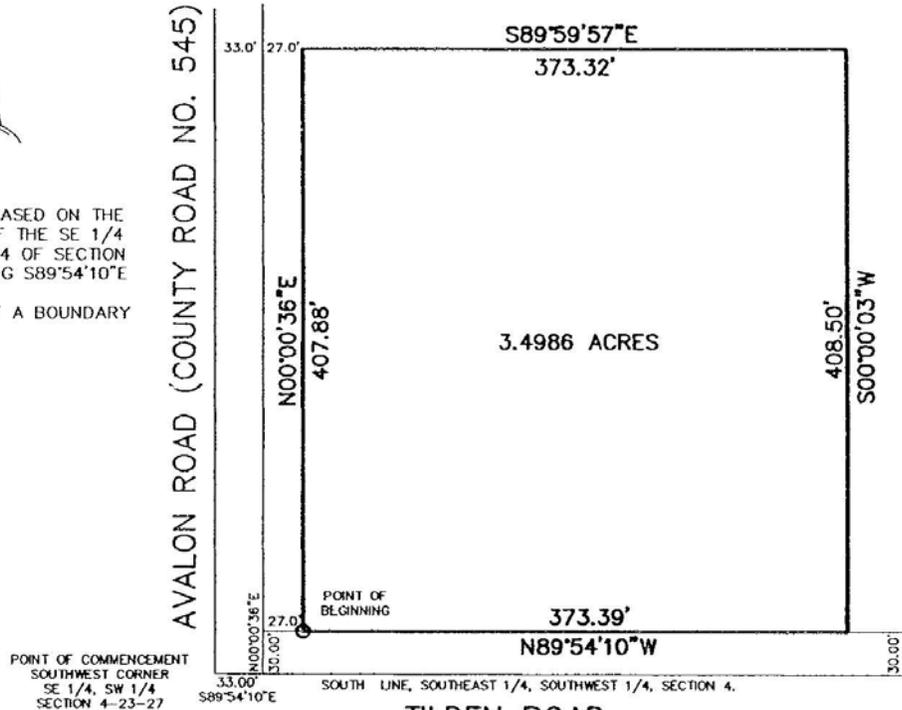
### Exhibit "A"

#### SKETCH OF DESCRIPTION

DESCRIPTION: THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, THENCE RUN S89°54'10"E ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 33.00 FEET; THENCE RUN N00°00'36"E A DISTANCE OF 30.00 FEET; THENCE RUN S89°54'10"E A DISTANCE OF 27.00 FEET FOR THE POINT OF BEGINNING; THENCE RUN N00°00'36"E A DISTANCE OF 407.88 FEET; THENCE RUN S89°59'57"E A DISTANCE OF 373.32 FEET; THENCE RUN S00°00'03"W A DISTANCE OF 408.50 FEET; THENCE RUN N89°54'10"W A DISTANCE OF 373.39 FEET TO THE POINT OF BEGINNING.



NOTES:  
 - BEARINGS BASED ON THE SOUTH LINE OF THE SE 1/4 OF THE SW 1/4 OF SECTION 4-23-27 BEING S89°54'10"E  
 - THIS IS NOT A BOUNDARY SURVEY.



*[Handwritten Signature]*  
 JAMES R. SHANNON JR., P.L.S. #4671  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHANNON SURVEYING INC.  
 499 NORTH S.R. 434, SUITE 2153  
 ALTAMONTE SPRINGS, FLORIDA, 32714  
 (407) 774-8372 LB # 6898

DATE OF SURVEY: January 15, 2003  
 FIELD BY: N/A SCALE: 1" = 100'  
 FILE NUMBER: tilden-outpar-1(Rev1-15-04)

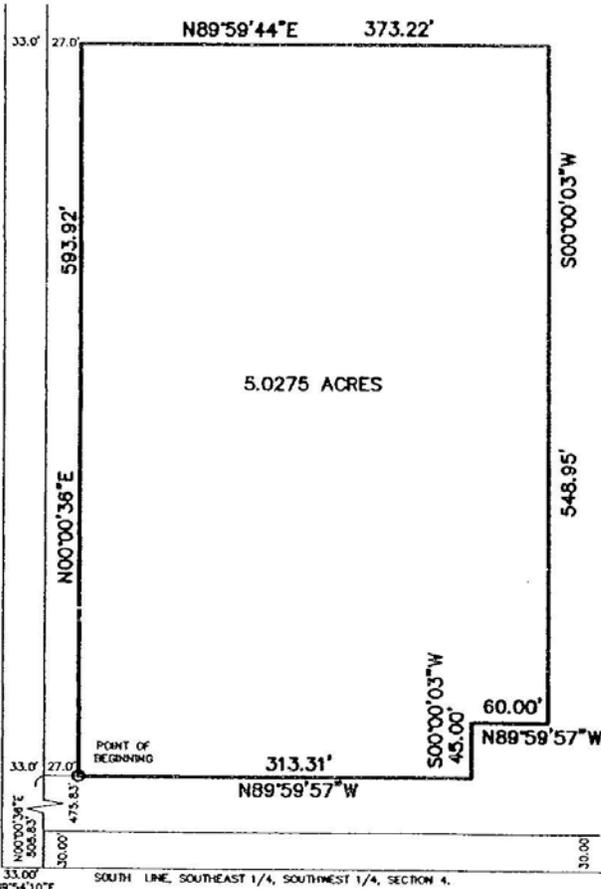
SKETCH OF DESCRIPTION

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NOTES:  
 - BEARINGS BASED ON THE SOUTH LINE OF THE SE 1/4 OF THE SW 1/4 OF SECTION 4-23-27 BEING S89°54'10"E  
 - THIS IS NOT A BOUNDARY SURVEY.

AVALON ROAD (COUNTY ROAD NO. 545)



*[Signature]*  
 JAMES R. SHANNON JR., P.L.S. #4671  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHANNON SURVEYING INC.  
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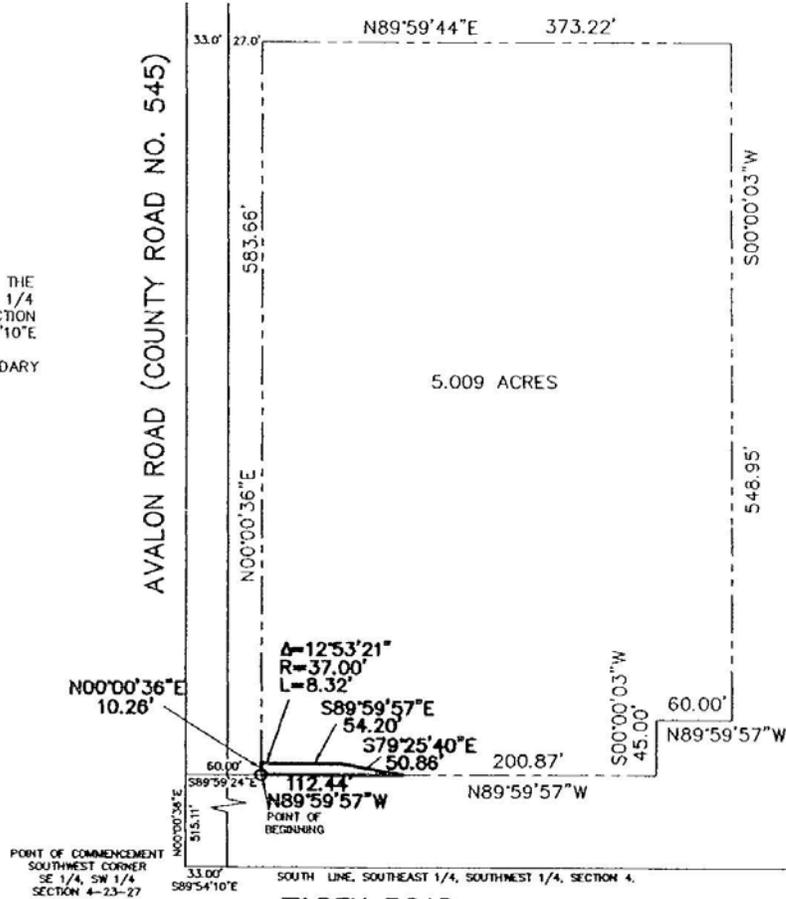
DATE OF SURVEY: January 15, 2004  
 FIELD BY: N/A SCALE: 1" = 120'  
 FILE NUMBER: tilden-outpor-2(Rev1-15-04)

SKETCH OF DESCRIPTION

DESCRIPTION: THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 4, TOWNSHIP 23 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, THENCE RUN N00°00'36"E ALONG THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 A DISTANCE OF 515.11 FEET; THENCE RUN S89°55'24"E A DISTANCE OF 515.83 FEET FOR THE POINT OF BEGINNING; THENCE RUN N00°00'36"E A DISTANCE OF 10.26 FEET TO A POINT ON A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 37.00 FEET; THENCE FROM A RADIAL BEARING OF N12°53'24"E RUN EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 12°53'21", AN ARC DISTANCE OF 8.32 FEET; THENCE RUN S89°59'57"E A DISTANCE OF 54.20 FEET; THENCE RUN S79°25'40"E A DISTANCE OF 50.86 FEET; THENCE RUN N89°59'57"W A DISTANCE OF 112.44 FEET TO THE POINT OF BEGINNING. CONTAINING 818.4 SQUARE FEET.



NOTES:  
 - BEARINGS BASED ON THE SOUTH LINE OF THE SE 1/4 OF THE SW 1/4 OF SECTION 4-23-27 BEING S89°54'10"E  
 - THIS IS NOT A BOUNDARY SURVEY.



*[Signature]*  
 JAMES R. SHANNON JR., P.L.S. #4671  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHANNON SURVEYING INC.  
 499 NORTH S.R. 434, SUITE 2153  
 ALTAMONTE SPRINGS, FLORIDA, 32714  
 (407) 774-8372 LB # 6898

DATE OF SURVEY: APRIL 12, 2005  
 FIELD BY: N/A SCALE: 1" = 120'  
 FILE NUMBER: tilden-outpar-2 additional R/W

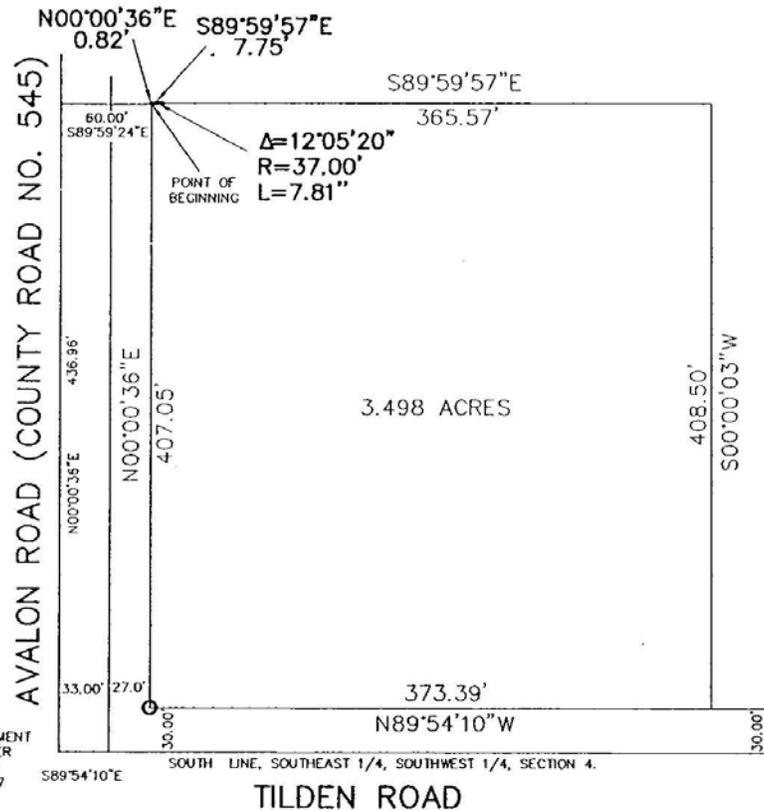
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NOTES:  
 - BEARINGS BASED ON THE SOUTH LINE OF THE SE 1/4 OF THE SW 1/4 OF SECTION 4-23-27 BEING S89°54'10"E  
 - THIS IS NOT A BOUNDARY SURVEY.

0.82' 7.75'  
 L=7.81"  
 DETAIL  
 1" = 10'



POINT OF COMMENCEMENT  
 SOUTHWEST CORNER  
 SE 1/4, SW 1/4  
 SECTION 4-23-27

TILDEN ROAD

SHANNON SURVEYING INC.  
 499 NORTH S.R. 434, SUITE 2153  
 ALTAMONTE SPRINGS, FLORIDA, 32714  
 (407) 774-8372 LB # 6898

*[Signature]*  
 JAMES R. SHANNON JR., P.L.S. #4671  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DATE OF SURVEY: APRIL 12, 2005  
 FIELD BY: N/A SCALE: 1" = 100'  
 FILE NUMBER: tilden-outpor-1 additional R/W

**ORDINANCE 07-02**

**AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; EMPOWERING THE CITY TO REQUIRE, AS CONDITIONS TO DEVELOPMENT, REDEVELOPMENT, AND SITE PLAN APPROVALS, JOINT USE DRIVEWAYS, CROSS ACCESS CORRIDORS, AND UNIFIED ACCESS AND PARKING SYSTEMS; REQUIRING EASEMENTS, AGREEMENTS, AND STIPULATIONS FOR USE AND MAINTENANCE OF JOINT USE DRIVEWAYS, CROSS ACCESS CORRIDORS, AND UNIFIED ACCESS AND PARKING SYSTEMS; REQUIRING SUCH EASEMENTS TO BE PUBLICLY RECORDED; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Policy 1.1(h) of the City Comprehensive Plan requires the City to pursue methods of ensuring safe and convenient onsite traffic flow and vehicle parking needs; and

**WHEREAS**, the City of Winter Garden (the “City”) desires to minimize overall congestion and delay on streets throughout the City and provide adequate and safe access between adjoining lands and between streets and abutting properties; and

**WHEREAS**, the City desires to discourage multiple access points in close proximity along streets within the City by requiring shared access between adjoining parcels,

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:**

**Section I** Section 110-206 is hereby added to the City of Winter Garden Code and reads as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Sec. 110-206. Cross Access Corridors and Joint Use Driveways.

(a) Generally. The City may require Cross Access Corridors and/or Joint Use Driveways on properties adjacent to arterial, collector, and minor streets as defined in Sections 62-26 and 62-27 of the Code. Such requirement may be made in connection with the approval of any subdivision, special exception, site plan, or other development or redevelopment approval within the affected area, or as part of an overall planning program.

(b) Definitions.

1. Cross Access Corridor – shall mean and refer to a service driveway designed in conformance with the standards set forth in the Code and providing vehicular access

between two or more contiguous sites so that vehicles need not enter the public street system to access the adjacent property or properties.

2. Joint Use Driveway – shall mean and refer to a driveway designed and built in conformance with the standards set forth for driveways in this Code and connecting two or more contiguous sites to the public street system.

(c) Design of Cross Access Corridors – Cross Access Corridors shall be designed to provide unified access and circulation among parcels on each block of a City street in such a way as to assist in local traffic movement. Each Cross Access Corridor shall be designed and built to include the following elements:

1. A continuous linear travel corridor extending the entire length of the developed portion of the block the corridor serves.
2. A design speed of ten (10) miles per hour and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.
3. Stub-outs and other design features to make it visually obvious that the corridor serves abutting properties.
4. A unified access and circulation system plan that provides for linkage to other Cross Access Corridors in the area and, where the City determines it is feasible, includes mutually coordinated or shared parking areas. All unified access and circulation systems shall be governed by the following provisions:

(i) Development Prior to Abutting Use. In the event that a lot, parcel, or site is developed or redeveloped prior to an abutting property, such lot, parcel, or site shall be designed to ensure that its parking, access and circulation will be a functional part of the Cross Access Corridor and Joint Use Driveway.

(ii) Existing Abutting Uses. In the event that a lot, parcel or site abuts an existing developed property, the lot, parcel or site shall be so designed as to tie into the

abutting parking, access, and circulation to create a unified system unless the City determines that such design would be impractical.

iii) Design to Accommodate Service Vehicles. Each unified access and circulation system shall be so designed that the Cross Access Corridor(s), Joint Use Driveway(s), and coordinated parking systems will allow adequate access for service and loading vehicles to each lot, parcel or site.

(d) Joint Use and Maintenance. Wherever a Cross Access Corridor or Joint Use Driveway is required, no subdivision plat, special exception, site plan, or other development or redevelopment shall be approved unless the property owner grants all appropriate easements, running with the land, allowing the Cross Access Corridor and Joint Use Driveways. Furthermore, each applicant for subdivision plat, special exception, site plan approval or other development or redevelopment shall provide such additional easements, agreements, and stipulations as may be necessary to ensure that adjoining properties have joint maintenance responsibilities for such easements. All such easements, agreements, and stipulations required by this paragraph shall provide that they may not be eliminated or restricted without the City's prior written approval and shall be recorded in the public records of Orange County and constitute a covenant running with the land.

(e) Special Provisions Concerning Tie-Ins with Abutting Properties.

1. Phased Development in Same Ownership. Where abutting properties are in the same ownership, no subdivision plat, special exception, site plan or other development or redevelopment shall be approved unless all building sites within the affected area are made subject to the necessary easements, agreements, and stipulations required by this Section, which shall be recorded prior to the issuance of any building permits.

2. Leasing Situations. Where individual building site(s) within an overall development or redevelopment site are leased rather than owned in fee-simple, the development or redevelopment site shall be subject to all requirements of this Section. The owner of the development or redevelopment site and lessees of building sites and buildings shall be

jointly and severally responsible for compliance with these requirements. Failure to comply shall be considered a violation of this Chapter subject to enforcement in accordance with Division 2, Article II of Chapter 2 of the City Code. In such cases, citations of violation shall be issued to both the owner of the development or redevelopment site and to all lessees within the affected area.

3. *Abutting Properties in Different Ownership.* Where abutting properties are in different ownership, cooperation is encouraged between the various owners but is not required. Only the lot(s), parcel(s), or site(s) under consideration for plat, special exception, site plan or other development or redevelopment approval shall be required to be subject to the necessary easements, agreements and stipulations required by this Section. In the City's discretion, such easements, agreements and stipulations may allow temporary use of a Cross Access Corridor for parking by the subject lot, parcel or site until the abutting property is developed or redeveloped. Abutting properties developed or redeveloped at a later date shall provide unified access and circulation, together with all necessary reciprocal easements, agreements, and stipulations at the time of such later development approvals.

4. *Where Unified Access and Circulation is Not Practical.* The City shall be authorized to modify the requirements of this Section where it finds that abutting properties have been so developed or redeveloped that it is clearly impractical to create a unified access and circulation system within part or all of the affected area.

**Section II** In the event of a conflict or conflicts between this ordinance and other ordinances, this Ordinance controls.

**Section III** If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

**Section IV** This Ordinance shall become effective upon approval by the City Commission at its second reading.

FIRST READING: \_\_\_\_\_ 2006.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_ 2007.

APPROVED:

\_\_\_\_\_  
Jack Quesinberry, Mayor/Commissioner

ATTESTED:

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KATHY GOLDEN, City Clerk